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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,629	08/17/2000	Yushi Ihara	450100-02651	5141
20999	7590	02/25/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			FOSTER, JUSTIN B	
			ART UNIT	PAPER NUMBER

2624

DATE MAILED: 02/25/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,629

Applicant(s)

IHARA, YUSHI

Examiner

Justin Foster

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 5-6 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukunaga, *et al.* (6,603,737). With regard to claim 5, Fukunaga discloses a printing device (printer 102, figure 1A) comprising inputting means (1394 serial bus, figure 1A) fed with still image data (“image data provided from the image providing device”, column 21, lines 46-47) contained in a packet pursuant to the IEEE 1394 standard (inherent from “printer 102 and a digital video camera 101 are connected via a 1394 serial bus”, column 6, lines 23-27) and with a printing state information request (“command GetStatus to obtain the status of a printer”, column 24, lines 27-29) defined by the AV/C command set consistent with an FCP pursuant to the IEEE 1394 standard (“FCP packet frame returned from the target ... AV/C response frame”, column 18, lines 2-3); printing means (printer 102, figure 1A) for printing still image data inputted to said inputting means (“enable the printer to form an image based on image data provided from the image providing device”, column 21, lines 46-47); printing state information generating means (response register 43-5, figure 34) for generating the printing state information indicating the printing state of the printing device (“response ... is written by the printer”, column 22, lines 39-

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40); and outputting means (response register 43-2, figure 34) for outputting said printing state information (printer writes a response “into a response register of the image providing device”, column 22, lines 40-41) in accordance with the FCP responsive to the printing state information request fed to said inputting means (“FCP packet frame returned from the target ... AV/C response frame”, column 18, lines 2-3).

3. With regard to claim 6, Fukunaga discloses a printing method (column 2, line 30) comprising inputting still image data (“image data provided from the image providing device”, column 21, lines 46-47) contained in a packet pursuant to the IEEE 1394 standard (inherent from “printer 102 and a digital video camera 101 are connected via a 1394 serial bus”, column 6, lines 23-27) and a printing state information request defined by the AV/C command set consistent with an FCP pursuant to the IEEE 1394 standard (“FCP packet frame returned from the target ... AV/C response frame”, column 18, lines 2-3); printing the input still image data (“enable the printer to form an image based on image data provided from the image providing device”, column 21, lines 46-47); and generating the printing state information indicating the printing state responsive to the input printing state information request to output said printing state information (“response ... is written by the printer”, column 22, lines 39-40) in accordance with the FCP (“FCP packet frame returned from the target ... AV/C response frame”, column 18, lines 2-3).

4. With regard to claim 12, Fukunaga discloses a recording medium (figure 2) having stored therein an image processing program (software unit 802, figure 2), said program comprising inputting still image data (“image data provided from the image providing device”, column 21, lines 46-47) contained in a packet pursuant to the IEEE 1394 standard (inherent from “printer

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102 and a digital video camera 101 are connected via a 1394 serial bus”, column 6, lines 23-27) and a printing state information request defined by the AV/C command set consistent with an FCP pursuant to the IEEE 1394 standard (“FCP packet frame returned from the target ... AV/C response frame”, column 18, lines 2-3); printing still image data inputted to said inputting means (“enable the printer to form an image based on image data provided from the image providing device”, column 21, lines 46-47); and generating the printing state information indicating the printing state responsive to the input printing state information request to output said printing state information (“response ... is written by the printer”, column 22, lines 39-40) in accordance with the FCP (“FCP packet frame returned from the target ... AV/C response frame”, column 18, lines 2-3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukunaga in view of Roosen, *et al.* (6,618,163). With regard to claim 1, Fukunaga discloses an image processing apparatus (DVC 101, figure 1A) comprising image processing means (DVC 101, figure 1A) for generating desired still image data corresponding to image data inputted from

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outside (it is inherent that a digital video camera generates image data inputted from outside); printing state information request generating means (command register 43-1, figure 34) for generating the printing state request information requesting the printing state information indicating the printing state of a printing device (“command GetStatus to obtain the status of a printer”, column 24, lines 27-29); outputting means (1394 serial bus, figure 1A) for having the still image data generated in said image processing means included in a packet pursuant to the IEEE 1394 standard to output the resulting packet (inherent from “printer 102 and a digital video camera 101 are connected via a 1394 serial bus”, column 6, lines 23-27) and for defining the printing state information request generated by said printing state information request generating means by the AV/C command set consistent with the FCP pursuant to the IEEE 1394 standard (“FCP packet frame returned from the target ... AV/C response frame”, column 18, lines 2-3) and for outputting the resulting request to the printing device (“In an AV/C protocol, a Function Control Protocol is provided to control devices”, column 17, lines 61-62). Fukunaga further discloses sending the printing state to a host (“command GetStatus to obtain the status of a printer”, column 24, lines 28), however the reference does not teach printing state presentation means for presenting to the user the printing state in accordance with the printing state information. Roosen teaches, in lines 1-5 of column 6, a user display indicating printer status. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of Fukunaga to include printing state presentation means for presenting to the user the printing state in accordance with the printing state information. This would allow the user to easily discern the status of the printer.

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6. With regard to claim 2, the combination of Fukunaga and Roosen discloses the invention as stated in claim 1. It is inherent that said outputting means outputs said printing state request information (GetStatus 50-1, figure 41) before transmitting a command indicating the beginning of start of a printing job (PrintStart 50-3, figure 41), since the print status must be known before printing can begin.

7. With regard to claim 3, Fukunaga discloses an image processing method (column 2, line 30) comprising generating desired still image data corresponding to image data inputted from outside ("form an image based on image data provided from the image providing device", column 21, lines 46-47); generating the printing state request information which requests the printing state request indicating the printing state of the printing device ("command GetStatus to obtain the status of a printer", column 24, lines 27-29); having the generated still image data contained in a packet pursuant to the IEEE 1394 standard to output the resulting pack to said printing device (inherent from "printer 102 and a digital video camera 101 are connected via a 1394 serial bus", column 6, lines 23-27); simultaneously defining the generated printing state information request in an AV/C command set consistent with an FCP pursuant to the IEEE 1394 standard to output the resulting defined printing state to said printing device ("FCP packet frame sent from the controller ... AV/C command frame", column 17, line 67 through column 18, line 1); and receiving said printing state information transmitted from said printing device in accordance with an FCP ("FCP packet frame returned from the target ... AV/C response frame", column 18, lines 2-3). Fukunaga further discloses sending the printing state to a host ("command GetStatus to obtain the status of a printer", column 24, lines 28), however the reference does not teach printing state presentation means for presenting to the user the printing

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state in accordance with the printing state information. Roosen teaches, in lines 1-5 of column 6, a user display indicating printer status. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the image processing method of Fukunaga to present the printing state to a user in accordance with the printing state information. This would allow the user to easily discern the status of the printer.

8. With regard to claim 4, the combination of Fukunaga and Roosen discloses the invention as stated in claim 3. It is inherent that said printing state request information (GetStatus 50-1, figure 41) is outputted before transmitting a command indicating the beginning of start of a printing job (PrintStart 50-3, figure 41) since the print status must be known before printing can begin.

9. With regard to claim 7, Fukunaga discloses an image processing system (figure 1A) comprising an image processing apparatus (DVC 101, figure 1A); said image processing apparatus including image processing means (inherent in DVC 101, figure 1A) for generating desired still image data corresponding to image data inputted from outside (“form an image based on image data provided from the image providing device”, column 21, lines 46-47); printing state information request generating means (command register 43-1, figure 34) for generating the printing state request information requesting the printing state information indicating the printing state of a printing device (“command GetStatus to obtain the status of a printer”, column 24, lines 27-29); outputting means (1394 serial bus, figure 1A) for having the still image data generated in said image processing means included in a packet pursuant to the IEEE 1394 standard to output the resulting packet (inherent from “printer 102 and a digital video camera 101 are connected via a 1394 serial bus”, column 6, lines 23-27) and for defining the

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printing state information request generated by said printing state information request generating means by the AV/C command set consistent with the FCP pursuant to the IEEE 1394 standard ("FCP packet frame returned from the target ... AV/C response frame", column 18, lines 2-3) and for outputting the resulting request to the printing device ("In an AV/C protocol, a Function Control Protocol is provided to control devices", column 17, lines 61-62); inputting means (1394 serial bus, figure 1A) fed with still image data outputted by said image processing apparatus ("image data provided from the image providing device", column 21, lines 46-47) and with a printing state information request ("command GetStatus to obtain the status of a printer", column 24, lines 27-29); printing means (printer 102, figure 1A) for printing the still image data fed to said inputting means ("enable the printer to form an image based on image data provided from the image providing device", column 21, lines 46-47); printing state information generating means (response register 43-5, figure 34) for generating the printing state information indicating the printing state of the printing device ("response ... is written by the printer", column 22, lines 39-40); and outputting means (response register 43-2, figure 34) for outputting said printing state information (inherent after printer writes a response "into a response register of the image providing device", column 22, lines 40-41) in accordance with the FCP to said image processing apparatus responsive to the printing state information request fed to said inputting means ("FCP packet frame returned from the target ... AV/C response frame", column 18, lines 2-3).

Fukunaga further discloses sending the printing state to a host ("command GetStatus to obtain the status of a printer", column 24, lines 28), however the reference does not teach printing state presentation means for presenting to the user the printing state in accordance with the printing state information. Roosen teaches, in lines 1-5 of column 6, a user display indicating printer

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status. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of Fukunaga to include printing state presentation means for presenting to the user the printing state in accordance with the printing state information. This would allow the user to easily discern the status of the printer.

10. With regard to claim 8, the combination of Fukunaga and Roosen discloses the invention as stated in claim 7. It is inherent that said printing state request information to the printing device (GetStatus 50-1, figure 41) is outputted before transmitting a command indicating the beginning of start of a printing job (PrintStart 50-3, figure 41), since the printing state must be known before a new print job can begin.

11. With regard to claim 9, Fukunaga discloses an image processing method (column 2, line 30) wherein on an image processing device (DVC 101, figure 1A), desired still image data corresponding to image data inputted from outside are generated (inherent function of a digital video camera), the printing state request information which requests the printing state request indicating the printing state of the printing device is generated ("command GetStatus to obtain the status of a printer", column 24, lines 27-29), the generated still image data is contained in a packet pursuant to the IEEE 1394 standard (inherent from "printer 102 and a digital video camera 101 are connected via a 1394 serial bus", column 6, lines 23-27), and the resulting packet is outputted to said printing device ("image data provided from the image providing device", column 21, lines 46-47); the generated printing state information request is defined in an AV/C command set consistent with an FCP pursuant to the IEEE 1394 standard to output the resulting defined printing state to said printing device ("FCP packet frame returned from the target ... AV/C response frame", column 18, lines 2-3); wherein on a printing device side, still image data

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outputted by said image processing apparatus (“image data provided from the image providing device”, column 21, lines 46-47) and a printing state information request are inputted (“command GetStatus to obtain the status of a printer”, column 24, lines 27-29), the input still image data is printed (“enable the printer to form an image based on image data provided from the image providing device”, column 21, lines 46-47), the generated printing state information indicating the printing state of the printing device is outputted responsive to the input printing state information request to the image processing apparatus (inherent after printer writes a response “into a response register of the image providing device”, column 22, lines 40-41) in accordance with the FCP (“FCP packet frame returned from the target ... AV/C response frame”, column 18, lines 2-3); and wherein on the image processing side, said printing state information transmitted from said printing device in accordance with an FCP is received (inherent after printer writes a response “into a response register of the image providing device”, column 22, lines 40-41). Fukunaga further discloses sending the printing state to a host (“command GetStatus to obtain the status of a printer”, column 24, lines 28), however the reference does not teach printing state presentation means for presenting to the user the printing state in accordance with the printing state information. Roosen teaches, in lines 1-5 of column 6, a user display indicating printer status. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the printing state to be presented to a user in accordance with the printing state information. This would allow the user to easily discern the status of the printer.

12. With regard to claim 10, the combination of Fukunaga and Roosen discloses the invention as stated in claim 9. It is inherent that said outputting means of the image processing apparatus outputs said printing state request information to the printing device (GetStatus 50-1,

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figure 41) before transmitting a command indicating the beginning of start of a printing job (PrintStart 50-3, figure 41) since the printing state must be known before a new printing job can begin.

13. With regard to claim 11, Fukunaga discloses a recording medium (figure 2) having stored therein an image processing program (software unit 802, figure 2), said program comprising generating desired still image data corresponding to image data inputted from outside (inherent function of a digital video camera); generating the printing state request information which requests the printing information indicating the printing state of the printing device (“command GetStatus to obtain the status of a printer”, column 24, lines 27-29); having the generated still image data contained in a packet pursuant to the IEEE 1394 standard to output the resulting packet to said printing device (inherent from “printer 102 and a digital video camera 101 are connected via a 1394 serial bus”, column 6, lines 23-27); simultaneously defining the generated printing state information request in an AV/C command set consistent with an FCP pursuant to the IEEE 1394 standard to output the resulting defined printing state information request to said printing device (“FCP packet frame sent from the controller ... AV/C command frame”, column 17, line 67 through column 18, line 1); and receiving said printing state information transmitted from said printing device in accordance with an FCP (“FCP packet frame returned from the target ... AV/C response frame”, column 18, lines 2-3). Fukunaga further discloses sending the printing state to a host (“command GetStatus to obtain the status of a printer”, column 24, lines 28), however the reference does not teach printing state presentation means for presenting to the user the printing state in accordance with the printing state information. Roosen teaches, in lines 1-5 of column 6, a user display indicating printer status. It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to present the printing state to the user the printing state in accordance with the printing state information. This would allow the user to easily discern the status of the printer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Foster whose telephone number is (703)305-1900. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF



**DAVID MOORE
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TECHNOLOGY CENTER 2600**